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09/819,326

03/28/2001

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02/05/2004

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/819,326

Applicant(s)

GARGI, ULLAS

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-13 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the patent application (09/819,329) filed March 28, 2001.
2. The submitted Information Disclosure Statements with references are considered and entered into the application.
3. The pending claims 1-19 are examined within.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2, and 5-11, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Thomason Graham (WO 01/07996 A1).

With regard to claim 1:

Thomason discloses a method of controlling a plurality of application windows accessed from memory and displayed in a GUI.

Thomason illustrates displaying a stack of partially overlapping images (Figs. 2a-4d) that are directly representative of display information of a plurality of said memory-stored items, including presenting only a portion of said display information (e.g.

Art Unit: 2173

application's rank, 1st, 2nd, etc.) for each said image that is overlapped by another said image in said displayed stack (figs. 2a-4d);

Thomason further illustrates when the user selects an application window via a pointing device, the system of Thomason Dynamically rearranges the selected application window, so that the selected window will gain a focus or partially overlapped (figs. 4a-4d).

Thomason further discloses user can browse (or hover) each displayed application windows sequentially and the system will reveal information about each application windows (Figs. 2a-4d).

With regard to claim 2:

Thomason further illustrates presenting only a minor portion of each image (Fig. 4a), with an exception of a foremost image in said displayed stack, said memory-stored items being image documents (Fig. 4a).

With regard to claim 5:

As shown in fig. 5, Thomason illustrates a plurality of windows (530-600), wherein each of a first window, such as 590 or 600, when selected displays its content into the second window 530. (Also see page 1, lines 13-23).

With regard to claim 6:

The images shown in fig. 5 could be considered as a plurality of thumbnail images (television pictures), when one of such images is selected it is displayed in window area 530.

With regard to claim 7:

As shown in figs 2a-4d, when a user selects one of the cascaded application windows, the selected application window will rise to have a focus.

With regard to claim 8:

As shown in figs 2a-4d, when a user selects one of the cascaded application windows, the selected application window will rise to have a focus and at same time the information (topic and rank information) about the selected application window will be revealed.

With regard to claim 9:

As illustrated in Fig. 5, Thomason may be implemented from a web page displayed in a television apparatus (page 2, lines 5-8).

With regard to claim 10:

Thomason enables a conventional manipulating of the displayed application windows such as saving to the system retrieving these application window from storage, and transferring (via selection) these application windows to another location, such as another window area (Fig. 5).

With regard to claim 11:

Thomason discloses a computer system (fig. 5) including a display device (fig. 5); a source of image files (fig. 5); at least one processor (fig. 5) enabled to manipulate said image files from said source for visual presentation at said display device (fig. 5); a cursor-control device (page 2, lines 9-10); and computer programming accessible by said at least one processor (fig. 5, #510) to provide instructions for manipulating said image files from said source, said computer programming being cooperative with said

at least one processor to: generate a display of a stack of said image files (fig. 2a-4d) at said display device (Fig. 5, # 500) such that said stack includes overlapping representations of a plurality of associated said image files from said source (520), and respond directly to alignment of said cursor with said display of said stack by generating a user-selected image of a representation on which said cursor resides (figs. 2a-4d), said user-selected image being misaligned (figs. 2a-4d) with respect to said representations in said stack and being a display of the specific image file associated with said representation on which said cursor resides.

With regard to claim 13:

Thomason describes the use of a pointing device or conventional mouse input to manipulate the displayed application window (page 2, lines 9-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Thomason Graham (WO 01/07996 A1).

Claim 12 calls for said source of images is a stored library of digital photographs. While Thomason describes an application window, but there is no suggestion that such application window is stored as digital photographs. However, Official notice is taken

that it is well known to for an application window to include and store any form of application including photographic image. Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made the application window to incorporate a library of photographic images because by having these form of images user (artist) will be able to manipulate or edit his favorite photographs.

Allowable Subject Matter

6. Claims 3-4, and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to claims 3-4:

The following is a statement of reasons for the indication of allowable subject matter: The prior art of records, Sposato et al discloses a graphical viewer interface including user selectable arrows. Such arrows include up arrow and a down arrow. The image can be browsed by pressing the upward to downward arrow. The method of the current invention presents an incrementing icon and a decrementing icon; enables subset-to-subset incrementing forward within said storage of images in response to detecting that said display icon (cursor) has been in alignment with said Incrementing icon for a set period of time; and enabling subset-to-subset Decrementing rearward within said storage of images in response to detecting that said display icon has been in alignment with said decrementing icon for said set period of time; wherein said subset-to-subset incrementing and

decrementing triggers displays of different stacks of said available images in said storage. Whereas, Sposato is not browsing in a similar method as the current invention does.

With regard to claims 14-15:

The following is a statement of reasons for the indication of allowable subject matter: Although hovering a cursor over a displayed object is well known in a windows operating system 2000, but the prior art of records also fails to suggest a cursor-detection module that is sensitive to positioning of said cursor to generate said user-selected image based merely on said positioning of said cursor and further includes an image-loading module that initiates an opening of said specific image file associated with said representation in response to a second user-initiated designation that is triggered by operation of said cursor-control device, wherein said opening is executed separately from said generation of said user-selected image.

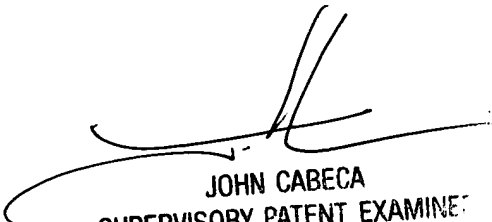
7. Claims 16-19 are allowed.

The following is an examiner's statement of reasons for allowance: Although Thomason illustrates and describes displaying a plurality of application windows in cascaded arrangement (figs. 2a) and displaying in partially offset from said arrangement (fig. 4a-4d), but Thomason fails to describe displaying a third-level image each time that a second-level image is selected, including opening the stored image file that corresponds to said second-level image which is selected.

CONCLUSION

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these reference fully when responding to this action. The documents cited, Bates et al (US 5,377,317), Jaaskelainen, Jr. (US 5,835,088), and Filetto et al (US 6,300,951) describe features related to independent claims 1, and 11. These claims include, among others, cascaded or overlapped application windows, wherein when one of the application windows is selected, the application window will be in focus.
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
April 25, 2003


JOHN CABECA
SUPERVISORY PATENT EXAMINER
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